

## Chapter 11

### ALCOHOLIC BEVERAGES

## Table of Contents

§ 11-1 Title.....	3
§ 11-1.1 Definitions.....	3
(1) Alcohol dispensary.....	3
(2) Café.....	3
(3) <del>Chain store</del> .....	<del>333</del>
(4) Convenience store.....	3
(6) Hotel.....	3
(7) Restaurant.....	3
(8) Supermarket.....	3
(9) Theater.....	3
§ 11-2 Purpose.....	3
§ 11-3 Administration by Board of Liquor License Commissioners.....	3
§ 11-4 Beer and light wine licenses.....	4
A. Beer and light wine license, Class A (off-sale) alcohol dispensaries, supermarkets, <del>chain stores</del> , and convenience stores.....	4
B. Beer and light wine license, Class B (on-sale), hotels and restaurants.....	4
B-1. Beer and light wine license, Class B-R (off-sale), hotels and restaurants.....	5
C. Beer and light wine license, Class B-T (on-sale), certain nonprofit theaters.....	5
D. Beer and light wine license, Class C (on-sale), clubs.....	5
E. Beer and light wine license, Class D (on-and off-sale), marinas.....	6
§ 11-5 Beer, wine and liquor licenses.....	6
A. Beer, wine and liquor license, Class E (off-sale) alcohol dispensaries.....	6
B. Beer, wine and liquor license, Class F (on and off-sale), hotels and restaurants.....	6
C. Beer, wine and liquor license, Class F-A (on-sale), hotels and restaurants.....	7
D. Beer, wine and liquor license, Class G (on-sale), clubs.....	8
E. Beer, wine and liquor license, Class GC (on-sale), golf courses.....	8

F. Beer, wine and liquor license, Class B-F (on-sale) banquet facility.....	8
§ 11-6 Endorsements.....	9
A. Caterers' endorsement.....	9
B. Special festival endorsement.....	9
§ 11-7 Special and temporary licenses.....	10
A. Special beer and light wine license, Class H (on-sale), seven days.....	10
B. Special beer, wine and liquor license, Class J (on-sale), seven days.....	10
C. Disposal-of-stock license (10 days).....	10
D. Temporary removal license.....	10
§ 11-8 General provisions on issue of licenses..	11
A. License requirements for corporation, limited liability company, partnership, club or association.....	11
B. No more than two licenses for same person.....	11
C. Zoning restrictions.....	11
§ 11-9 License application filing requirements.	12
§ 11-10 Procedure for issuance of licenses.....	14
A. General provisions.....	14
B. License and application fees.....	15
C. Refund of license fees.....	15
D. License forms; date of issue and expiration.....	16
E. Pro rata license fees.....	16
F. Successive applications.....	16
§ 11-11 General procedures for renewal of licenses.....	16
A. Application for renewal.....	16
§ 11-12 Rights and duties of license holders.....	17
A. License not property.....	17
B. Duplicates for lost licenses.....	17
C. Transfer of licenses.....	17
(1) General procedure.....	17
(2) Addition, deletion or substitution of license holders.....	17
D. License holder vacating premises.....	18
E. Display of licenses.....	18
F. Availability of ordinance.....	18
G. Death of license holder.....	18

H. Hours of operation. ....	19
§ 11-13 Restrictions upon license holders. ....	19
A. General provisions. ....	19
B. Service by minors restricted. ....	19
C. Sales to minors and intoxicated persons prohibited. ....	19
D. Noise regulations. ....	19
E. Slot machine restriction. ....	19
§ 11-14 Revocation and suspension of licenses. ....	19
A. General provisions. ....	20
B. Procedure for revocation or suspension. ..	20
§ 11-15 Violations and penalties. ....	21
§ 11-16 Bottle club restrictions; drive-through sales. ....	21
§ 11-17 Enforcement. ....	22
A. Notification requirements. ....	22
B. Chemical test report. ....	22
C. Chain of custody. ....	22
D. Presence of chemist or analyst at criminal proceeding. ....	23
§ 11-18 Appeals. ....	23
A. General provisions. ....	23
B. Who may appeal. ....	23
C. Court costs. ....	23
D. Scope of appeal. ....	23
E. Further appeals. ....	24
§ 11-19 Supplemental municipal regulation. ....	24
§ 11-20 Conflict with other regulations. ....	24

GENERAL REFERENCES

Smoking in bars -- See Ch. 159.

§ 11-1 Title.

1 This chapter shall be known and may be cited as  
2 the "Talbot County Alcoholic Beverages  
3 Ordinance."

4 § 11-1.1 Definitions

5 (1) Alcohol dispensary -- a commercial  
6 enterprise licensed or seeking a license to  
7 engage primarily in the retail sale of  
8 packaged alcoholic beverages with such  
9 beverages occupying at least seventy five  
10 percent (75%) of the sales area, licensed by  
11 this Chapter to keep for sale and sell  
12 alcoholic beverages, at retail, in any quantity  
13 to any consumers, at the place described in  
14 the license, in a sealed package or container.

15 A. (2) Café -- a limited food service facility not  
16 to exceed 20 seats located in a marina that  
17 regularly prepares and serves full meals, which  
18 may include a sandwich menu.

19 B. Chain store -- any one of two or more retail  
20 stores under the same general management or  
21 ownership.

22 (3) Convenience store -- a small-scale retail store  
23 less than 8,000 square feet located to serve  
24 highway or neighborhood demand for light  
25 food service, sandwiches, or snack foods for  
26 immediate consumption or carry out, having a  
27 limited selection of grocery items, over-the-  
28 counter medicines, cosmetics, and household  
29 supplies, and licensed or seeking a license to  
30 offer limited beer and light wine items  
31 occupying not more than twenty-five percent  
32 (25%) of the sales area, licensed by this  
33 Chapter to keep for sale and sell alcoholic  
34 beverages, at retail, in any quantity to any  
35 consumers, at the place described in the  
36 license, in a sealed package or container.  
37 Convenience stores do not include locations  
38 that dispense petroleum products for motor  
39 vehicles.

40 C. Gas station -- a location that dispenses  
41 petroleum products for motor vehicles through  
42 pumps

43 (4) Hotel -- a lodging place offering overnight  
44 sleeping accommodations with at least  
45 twenty-five (25) bedrooms having a food  
46 service facility that regularly prepares and  
47 serves meals on the premises where alcoholic  
48 beverages are to be sold.

49 (5) Restaurant -- a food service facility with  
50 capacity to seat at least twenty (20) persons,  
51 counting any outdoor seating, regularly  
52 serving at least two meals per day, which may  
53 include a sandwich menu, that maintains a  
54 kitchen staffed for serving food that opens  
55 within one hour after the facility ~~or~~ opens and  
56 remains in continuous operation until at least  
57 two hours before alcoholic beverages are no  
58 longer served.

59 (6) Supermarket -- a retail grocery or food store  
60 which ~~that~~ contains a floor area of not less  
61 than 20,000 gross square feet, in which at least  
62 80% of the sales area is devoted to the retail  
63 sale of food and food products.

64 (7) Theater, nonprofit -- a qualified business  
65 organization operating as a nonprofit or  
66 charitable organization under Maryland law, or  
67 that has been determined to be an exempt  
68 organization pursuant to Section 501 (c) (3) of  
69 the Internal Revenue Code that is (1) housed  
70 within a building; (2) as a minimum seating  
71 capacity of 100 persons; and, (3) regularly  
72 presents live entertainment as part of its  
73 schedule.

74

75 § 11-2 Purpose.

76 The County Council ~~of Talbot County~~ declares  
77 that the purpose of this chapter is to regulate the  
78 retail sale of alcoholic beverages within Talbot  
79 County, pursuant to the authority granted in § 18-  
80 101 of Article 2B of the Annotated Code of  
81 Maryland. The regulations, provisions, restrictions  
82 and penalties contained in this chapter are for the  
83 protection, health, welfare and safety of the  
84 citizens of Talbot County.

85 § 11-3 Administration by Board of Liquor  
86 License Commissioners.

87 This chapter shall be administered and enforced  
88 by the Talbot County Board of Liquor License  
89 Commissioners (the "Board"). The Board may  
90 adopt such written rules and regulations as it

91 deems necessary to carry out the provisions of this  
92 chapter, subject to the approval of the County  
93 Council ~~of Talbot County. In the event that any~~  
94 ~~member of the Talbot County Board of Liquor~~  
95 ~~License Commissioners shall have a personal~~  
96 ~~interest of any kind in a matter before the Board,~~  
97 ~~the member shall disclose his interest and be~~  
98 ~~disqualified from voting upon the matter.~~ Chapter  
99 60, Ethics, ~~of the~~ Talbot County Code, shall apply  
100 to members of the Board.

101 **§ 11-4 Beer and light wine licenses.**

102 A. **Beer and light wine license, Class A (off-**  
103 **sale) alcohol dispensaries, supermarkets,**  
104 **chain stores, and convenience stores.**

105 (1) General provisions. A Class A beer and  
106 light wine license shall be issued only to  
107 alcohol dispensaries, supermarkets, chain  
108 stores, and convenience stores, and shall  
109 authorize the holder thereof to keep for sale  
110 and sell beer and light wine, at retail, in any  
111 quantity to any consumers, at the place  
112 described in the license, in a sealed package or  
113 container, which package or container may not  
114 be opened nor its contents consumed on the  
115 premises where sold. Notwithstanding the  
116 limitation on the issuance of a Class A license  
117 to alcohol dispensaries, supermarkets, chain  
118 stores, and convenience stores set forth above,  
119 any holder of a Class A license, lawfully  
120 issued and validly existing on the effective  
121 date of this ordinance shall be entitled to  
122 renew the same at the existing location  
123 provided that all such applications for renewal  
124 otherwise comply with all then-existing  
125 ordinance, laws, and regulations, as amended  
126 from time to time.

127 (2) Hours. The hours during which the  
128 privileges conferred by a Class A license may  
129 be exercised shall be from 6:00 a.m. to 12:00  
130 midnight, except on Sunday the hours shall be  
131 from 8:00 a.m. to 12:00 midnight.

132 (3) Light wine and beer tasting, alcohol  
133 dispensaries. Other provisions of this chapter  
134 to the contrary notwithstanding, the holder of a  
135 valid Class A license issued to an alcohol  
136 dispensary shall be authorized to serve not  
137 more than one ounce from no more than three  
138 bottles or containers of beer or light wine to  
139 any one person for sampling or tasting  
140 purposes. Once opened, any bottles or  
141 containers of beer or light wine to be sampled

142 shall be accurately and specifically marked for  
143 sampling or tasting purposes only or shall be  
144 discarded and shall not be offered for sale. The  
145 contents of any bottle or container opened for  
146 sampling or tasting purposes shall not be  
147 mixed with any other bottle or container. Any  
148 beer or light wine sampling or tasting  
149 authorized by this section shall be permitted  
150 on the licensed premises only.

151 (4) Class A licenses for any supermarket or  
152 chain store shall require that the alcoholic  
153 beverages be kept and offered for sale  
154 exclusively in an enclosed area separated from  
155 the main sales area by permanent walls or  
156 partitions at least 8 feet high..

157 (5) Notwithstanding the requirement for a  
158 separate sales area for alcoholic beverages set  
159 forth in paragraph (4) above, any supermarket  
160 or chain store holding a Class A license,  
161 lawfully issued and validly existing on the  
162 effective date of this ordinance shall be  
163 entitled to renew the same at the existing  
164 location without compliance therewith.  
165 Existing Class A licenses that are exempt from  
166 such requirement under this provision may be  
167 transferred to a new owner or location subject  
168 to the requirements of paragraph (4) at any  
169 new location and compliance with all of then-  
170 existing ordinances, laws, and regulations, as  
171 amended from time to time, but without regard  
172 to compliance with the market-test in § 11-8  
173 D.

174 B. **Beer and light wine license, Class B (on-**  
175 **sale), hotels and restaurants.**

176 (1) General provisions. A Class B beer and  
177 light wine license shall authorize the holder  
178 thereof to keep for sale and sell beer and light  
179 wine, at retail, at any hotel or restaurant, at the  
180 place described in the license, for consumption  
181 on the premises. [Amended 7-24-2007 by Bill  
182 No. 1063]

183 (2) From and after the effective date of this  
184 ordinance the application for issuance or  
185 renewal of a Class B license shall also include  
186 all information required to obtain a caterers  
187 endorsement in accordance with § 11-6A.  
188 Subject to all requirements otherwise applic-  
189 able to a caterer's endorsement, all Class B  
190 licenses issued or renewed after this ordinance  
191 becomes law shall include a caterer's endorse-  
192 ment as part of their issuance or renewal,

193	<u>unless the applicant affirmatively declines the</u>	241	requirements for licensing have been met, <del>and</del>
194	<u>same.</u>	242	<del>it is demonstrated that:</del>
195	(3) Hours. The hours during which the	243	<del>(a) The theater operation qualifies either as a</del>
196	privileges conferred by a Class B license may	244	<del>nonprofit or charitable organization under</del>
197	be exercised shall be from 6:00 a.m. to 2:00	245	<del>Maryland law, or has been determined to be an</del>
198	a.m. on the following day, except on Sunday	246	<del>exempt organization pursuant to Section</del>
199	the hours shall be from 10:00 a.m. to 2:00 a.m.	247	<del>501(c)(3) of the Internal Revenue Code;</del>
200	on the following day.	248	<del>(b) The theater is housed within a building;</del>
201	<b><u>B-1. Beer and light wine license, Class B-R</u></b>	249	<del>(c) The theater has a minimum seating</del>
202	<b><u>(off-sale), hotels and restaurants.</u></b>	250	<del>capacity of 100 persons; and</del>
203	<u>(1) General provisions. A Class B-R beer</u>	251	<del>(d) The theater regularly presents live</del>
204	<u>and light wine license shall be issued only to</u>	252	<del>entertainment as a part of its schedule.</del>
205	<u>hotels and restaurants and shall authorize the</u>	253	(3) Eligibility to purchase temporary license.
206	<u>holder thereof to keep for sale and sell beer</u>	254	Other provisions of this chapter to the contrary
207	<u>and light wine, at retail, at the place described</u>	255	notwithstanding, a holder of a Class B-T
208	<u>in the license, in a sealed package or container,</u>	256	license shall not by virtue thereof be
209	<u>which package or container may not be opened</u>	257	prohibited from purchasing a special beer,
210	<u>nor its contents consumed on the premises</u>	258	wine and liquor license, nor shall any bona
211	<u>where sold.</u>	259	fide club, society, association or church be
212	<u>(2) Any holder of a Class F license, lawfully</u>	260	precluded from obtaining a special license for
213	<u>issued and validly existing on the effective</u>	261	use on the theater premises, provided that the
214	<u>date of this ordinance shall be entitled to</u>	262	holder of the Class B-T license for the
215	<u>obtain a Class B-R license through the renewal</u>	263	premises consents to the use of the special
216	<u>process at the existing location provided that</u>	264	license.
217	<u>all such applications otherwise comply with all</u>	265	(4) Hours. The hours during which the
218	<u>then-existing ordinance, laws, and regulations,</u>	266	privileges conferred by a Class B-T license
219	<u>as amended from time to time. Provided</u>	267	may be exercised shall be from 12:00 noon to
220	<u>further, that all such holders shall be entitled to</u>	268	12:00 midnight each day; provided, however,
221	<u>a B-R license without regard to the market-test</u>	269	that the sale and consumption of beer and light
222	<u>set forth in § 11-8 D.</u>	270	wine shall be restricted to a period of time
223	<u>(3) Hours. The hours during which the</u>	271	beginning two hours before any scheduled
224	<u>privileges conferred by a Class B-R license</u>	272	entertainment and concluding one hour after
225	<u>may be exercised shall be from 6:00 a.m. to</u>	273	said entertainment.
226	<u>2:00 a.m. on the following day, except on</u>	274	<b>D. Beer and light wine license, Class C</b>
227	<u>Sunday the hours shall be from 10:00 a.m. to</u>	275	<b>(on-sale), clubs.</b>
228	<u>2:00 a.m. on the following day.</u>	276	(1) General provisions. A Class C beer and
229	<b>C. Beer and light wine license, Class B-T</b>	277	light wine license shall authorize the holder
230	<b>(on-sale), certain nonprofit theaters.</b>	278	thereof to keep for sale and sell beer and light
231	(1) General provisions. A Class B-T beer	279	wine, at retail, to bona fide members and their
232	and light wine license shall <u>be issued only to</u>	280	guests at any club, at the place described in the
233	<u>nonprofit theaters and shall</u> authorize the	281	license, for consumption on the premises only.
234	holder thereof to keep for sale and sell beer	282	[Amended 12-14-1999 by Bill No. 742; 4-24-
235	and light wine, at retail, <del>at any theater</del>	283	2001 by Bill No. 811]
236	<del>qualified under Subsection C(2) hereof,</del> at the	284	(2) Hours. The hours during which the
237	place described in the license, for consumption	285	privileges conferred by a Class C license may
238	on the premises only.	286	be exercised shall be from 6:00 a.m. to 12:00
239	(2) Requirements for license. A Class B-T		
240	license shall not be issued until all		



287 midnight, except on Sunday the hours shall be  
288 from 10:00 a.m. to 12:00 midnight.

289 E. Beer and light wine license, Class D (on-  
290 and off-sale), marinas.

291 (1) General provisions. A Class D beer and  
292 light wine license shall authorize the holder  
293 thereof to keep for sale and sell beer and light  
294 wine, at retail, at any marina, at the place  
295 described in the license, for consumption on  
296 the premises and elsewhere. All sales and  
297 consumption of alcoholic beverages on the  
298 premises shall occur in a café regularly  
299 preparing and serving full meals, which may  
300 include a sandwich menu.

301 (2) Hours. The hours during which the  
302 privileges conferred by a Class D license may  
303 be exercised shall be from 6:00 a.m. to 12:00  
304 midnight, except on Sunday the hours shall be  
305 from 8:00 a.m. to 12:00 midnight.

306 **§ 11-5 Beer, wine and liquor licenses.**

307 A. **Beer, wine and liquor license, Class E (off-**  
308 **sale) alcohol dispensaries**

309 (1) General provisions. A Class E beer, wine  
310 and liquor license shall be issued only to an  
311 alcohol dispensary, and shall authorize the  
312 holder thereof to keep for sale and sell all  
313 alcoholic beverages, at retail, in any quantity  
314 to any consumers, at the place described in the  
315 license, in a sealed package or container,  
316 which package or container shall not be  
317 opened nor its contents consumed on the  
318 premises where sold.

319 (2) Hours. The hours during which the  
320 privileges conferred by a Class E license may  
321 be exercised shall be from 6:00 a.m. to 12:00  
322 midnight, except on Sunday the hours shall be  
323 from 8:00 a.m. to 12:00 midnight.

324 (3) Wine and beer tasting, alcohol  
325 dispensaries. Other provisions of this chapter  
326 to the contrary notwithstanding, the holder of a  
327 valid Class E license that is also an alcohol  
328 dispensary shall be authorized to serve not  
329 more than one ounce from no more than three  
330 bottles or containers of wine or beer to any one  
331 person for sampling or tasting purposes. Once  
332 opened, any bottles or containers of wine or  
333 beer to be sampled shall be accurately and  
334 specifically marked for sampling or tasting

335 purposes only or shall be discarded and shall  
336 not be offered for sale. The contents of any  
337 bottle or container opened for sampling or  
338 tasting purposes shall not be mixed with any  
339 other bottle or container. Any wine or beer  
340 sampling or tasting authorized by this section  
341 shall be permitted on the licensed premises  
342 only.

343 (4) Notwithstanding the limitation on issuance  
344 of Class E licenses to alcohol dispensaries in  
345 paragraph (1) above, any holder of a Class E  
346 license, except for any pharmacy, that was  
347 lawfully issued and validly existing on the  
348 effective date of this ordinance shall be  
349 entitled to renew the same at the existing  
350 location provided that all such applications for  
351 renewal otherwise comply with all then-  
352 existing ordinances, laws, and regulations, as  
353 amended from time to time. Any such Class E  
354 license held by or for the benefit of any  
355 pharmacy may be renewed as a Class E license  
356 for one renewal period only. Thereafter, it may  
357 not be renewed as a Class E license, but the  
358 holder shall be entitled to change the  
359 classification to a Class A license at the  
360 existing location and obtain a Class A license  
361 for that location through the license renewal  
362 process.

363 (5) Notwithstanding the limitations and  
364 restrictions upon the issuance of new off sale  
365 licenses set forth in § 11-8 D, any holder of a  
366 Class E license that was lawfully issued and  
367 validly existing on the effective date of this  
368 ordinance shall be entitled to renewal of such  
369 license as set forth in paragraph (4), above,  
370 without regard to compliance with the market-  
371 test in § 11-8 D.

372 B. **Beer, wine and liquor license, Class F (on**  
373 **and off-sale), hotels and restaurants.**

374 (1) General provisions. A Class F beer, wine  
375 and liquor license shall authorize the holder  
376 thereof to keep for sale and sell all alcoholic  
377 beverages, at retail, at any hotel or restaurant  
378 qualified under Subsection B(2) hereof. All  
379 sales shall be for consumption on the premises  
380 only, at the place described in the license.  
381 Wine and beer may be sold for consumption  
382 on the premises and elsewhere.

383 (a) No new Class F licenses shall issue after  
384 the effective date of this ordinance. Upon  
385 expiration of an existing Class F license, all

licensees holding a Class F license lawfully issued and validly existing on the effective date of this ordinance shall be entitled to apply for and obtain both a Class B-R license and a Class F-A license for the premises described in the Class F license provided that all such applications for renewal otherwise comply with all then-existing ordinances, laws, and regulations, as amended from time to time.

(b) Upon the expiration of an existing Class F license, any renewal application for the place described in the existing license shall also include all information required to obtain a caterers endorsement in accordance with § 11-6A. Subject to all requirements otherwise applicable to a caterer's endorsement, all licensees holding an existing Class F license that was lawfully issued and validly existing on the effective date of this ordinance shall be entitled to a caterer's endorsement as part of their renewal, unless the applicant affirmatively declines the same.

(2) Requirements for license. A Class F license shall not be issued until all requirements for licensing have been met and the place described in the license is demonstrated to be:

(a) A hotel having 25 or more bedrooms and regularly preparing and serving food on the premises where alcoholic beverages are to be sold;

(b) A restaurant which seats at least ~~35~~ 20 persons, maintains a kitchen staffed for serving food and provides a menu for at least two meals per day on a regular basis, the menu ~~not to be a so-called~~ ,which may include a sandwich menu; or

(c) A restaurant which seats at least ~~35~~ 20 persons and maintains a kitchen staffed for serving food, which is open ~~at least~~ within one hour after the restaurant opens and is in continuous operation serving a full menu until at least two hours before the restaurant closes.

(3) Hours. The hours during which the privileges conferred by a Class F license may be exercised shall be from 6:00 a.m. to 2:00 a.m. on the following day, except on Sunday the hours shall be from 10:00 a.m. to 2:00 a.m. on the following day.

(4) This section, § 11-5 B, including without limitation the Class F license classification, and each paragraph and sub-paragraph, shall be repealed and of no further force or effect upon the later of: (1) the expiration of all existing Class F licenses; and, (2) the issuance of Class B-R and Class F-A licenses to existing Class F licensees entitled to receive the same for the place described in the existing Class F license; and, (3) compliance with the requirements of Paragraph (1) (b), above, regarding issuance of caterer's endorsements; or, (4) expiration of the right to renew, without renewal, for existing Class F licenses such that the transition from Class F to Class B-R and Class F-A has been completed or waived for all existing Class F. licensees.

#### **C. Beer, wine and liquor license, Class F-A (on-sale), hotels and restaurants.**

(1) General provisions. A Class F-A beer, wine and liquor license shall be issued only to a hotel or restaurant and shall authorize the holder thereof to keep for sale and sell all alcoholic beverages, at retail, ~~at any hotel or restaurant qualified under Subsection C(2) hereof. All sales shall be~~ for consumption on the premises only, at the place described in the license.

(a) The application for issuance or renewal of a Class F-A license shall include all information required to obtain a caterers endorsement in accordance with § 11-6A. Subject to all requirements otherwise applicable to a caterer's endorsement, all Class F-A licenses issued or renewed after the effective date of this ordinance shall include a caterer's endorsement as part of their issuance or renewal, unless the applicant affirmatively declines the same.

(2) Requirements for license. A Class F-A license shall not be issued until all requirements for licensing have been met ~~and the place described in the license is demonstrated to be:~~

~~(a) A hotel having 25 or more bedrooms and regularly preparing and serving food on the premises where alcoholic beverages are to be sold;~~

~~(b) A restaurant which seats at least 35 persons, maintains a kitchen staffed for~~

485 ~~serving food and provides a menu for at least~~  
 486 ~~two meals per day on a regular basis, the menu~~  
 487 ~~not to be a so-called sandwich menu; or~~

488 ~~(c) A restaurant which seats at least 35~~  
 489 ~~persons and maintains a kitchen staffed for~~  
 490 ~~serving food, which is open at least one hour~~  
 491 ~~after the restaurant opens and is in continuous~~  
 492 ~~operation serving a full menu until at least two~~  
 493 ~~hours before the restaurant closes.~~

494 (3) Hours. The hours during which the  
 495 privileges conferred by a Class F-A license  
 496 may be exercised shall be from 6:00 a.m. to  
 497 2:00 a.m. on the following day, except on  
 498 Sunday the hours shall be from 10:00 a.m. to  
 499 2:00 a.m. on the following day.

500 **D. Beer, wine and liquor license, Class G**  
 501 **(on-sale), clubs.**

502 (1) General provisions. A Class G beer, wine  
 503 and liquor license shall authorize the holder  
 504 thereof to keep for sale and sell all alcoholic  
 505 beverages, at retail, at any club qualified under  
 506 Subsection D(2) hereof, at the place described  
 507 in the license, for consumption on the premises  
 508 only.

509 (2) Requirements for license. A Class G  
 510 license shall be issued only to a club which is  
 511 not operated for profit and which has had 50 or  
 512 more bona fide members paying dues of not  
 513 less than \$10 per annum per member for five  
 514 consecutive years immediately preceding the  
 515 year for which the license is to be issued. A  
 516 Class G license may be issued to a club  
 517 composed exclusively of members who served  
 518 in the Armed Forces of the United States,  
 519 which is affiliated with a national organization  
 520 and had 50 or more bona fide members paying  
 521 whatever dues were required by its national  
 522 organization in the year immediately  
 523 preceding the year for which the license is to  
 524 be issued.

525 (3) Hours. The hours during which the  
 526 privileges conferred by a Class G license may  
 527 be exercised shall be from 6:00 a.m. to 2:00  
 528 a.m. on the following day, except on Sunday  
 529 the hours shall be from 12:30 p.m. to 2:00 a.m.  
 530 on the following day.

531 **E. Beer, wine and liquor license, Class GC**  
 532 **(on-sale), golf courses. [Added 6-23-**  
 533 **1998 by Bill No. 670]**

534 (1) General provisions. A Class GC beer,  
 535 wine and liquor license shall authorize the  
 536 holder thereof to keep for sale and sell all  
 537 alcoholic beverages, at retail, at any golf  
 538 course qualified under Subsection E(2) hereof,  
 539 at the place described in the license, for  
 540 consumption on the premises only.

541 (2) Requirements for license. A Class GC  
 542 license shall be issued only to a golf course  
 543 which is open to the public and has a golf  
 544 course with a minimum of 18 holes. A licensee  
 545 may sell beer, wine and liquor for  
 546 consumption only on the land and in the  
 547 buildings, including the clubhouse, used for  
 548 golfing purposes. A patron need not be seated  
 549 to be served.

550 (3) Hours. The hours during which the  
 551 privileges conferred by a Class GC license  
 552 may be exercised shall be from 7:00 a.m. to  
 553 10:00 p.m. each day.

554 **F. Beer, wine and liquor license, Class B-F**  
 555 **(on-sale) banquet facility. [Added 11-**  
 556 **23-2004 by Bill No. 966]**

557 (1) General provisions. A Class B-F beer,  
 558 wine and liquor license shall authorize the  
 559 holder thereof to keep for sale and sell all  
 560 alcoholic beverages, at retail, at any banquet  
 561 facility qualified under Subsection F(2) hereof,  
 562 at the place described in the license, for  
 563 consumption on the premises only.

564 (2) Requirements for license. The Class B-F  
 565 license shall not be issued until all  
 566 requirements for licensing have been met and  
 567 the place described in the license is  
 568 demonstrated to be a banquet facility that:

569 (a) Accommodates the public for banquets,  
 570 parties, meetings, and similar functions; and

571 (b) Contains a dining room with adequate  
 572 facilities for preparing and serving full-course  
 573 meals for at least 100 persons at one seating.

574 (3) The Class B-F beer, light wine and liquor  
 575 license authorizes the holder to keep for sale,  
 576 and sell at retail, beer, light wine, and liquor  
 577 for on-premises consumption only, provided that:  
 578



579 (a) The beer, light wine, and liquor are only  
580 sold during the function;

581 (b) The licensee may not sell alcoholic  
582 beverages for off-premises consumption;

583 (c) The licensee may not permit alcoholic  
584 beverages to be carried off the premises; and

585 (d) Food is furnished at the function where  
586 the alcoholic beverages are provided.

587 (4) The application for issuance or renewal of  
588 a Class B-F license shall include all infor-  
589 mation required to obtain a caterers endorse-  
590 ment in accordance with § 11-6A. Subject to  
591 all requirements otherwise applicable to a  
592 caterer's endorsement, all Class B-F licenses  
593 issued or renewed after the effective date of  
594 this ordinance shall include a caterer's  
595 endorsement as part of their issuance or  
596 renewal, unless the applicant affirmatively  
597 declines the same.

598 (5) Hours. The hours during which the  
599 privileges conferred by a Class B-F license  
600 may be exercised shall be from 12:00 noon to  
601 2:00 a.m. the following day, except on Sunday  
602 the hours shall be from 12:00 noon to 12:00  
603 midnight.

#### 604 § 11-6 Endorsements.

##### 605 A. Caterers' endorsement.

606 (1) Caterer defined. In this section "caterer"  
607 means a Class B, Class B-F, B-R, or Class F-A  
608 license holder who contracts to provide food  
609 and alcoholic beverages to sponsors of public  
610 or private events held at specific locations  
611 within Talbot County off the licensed  
612 premises. [Amended 11-23-2004 by Bill No.  
613 966]

614 (2) General provisions. A caterers'  
615 endorsement shall be issued only to holders of  
616 a Class B, Class B-F, B-R, or a Class F-A  
617 license. The endorsement shall authorize the  
618 holder thereof to sell the alcoholic beverages  
619 permitted for the class of license at locations  
620 within Talbot County for which no other  
621 license has been issued. Other provisions of  
622 this chapter to the contrary notwithstanding,  
623 the holder of a Class B, Class B-F, Class B-R  
624 or Class F-A license shall not be prohibited

625 from simultaneously holding a caterers'  
626 endorsement, if otherwise approved. The  
627 ~~Talbot County Board of Liquor License~~  
628 ~~Commissioners shall~~ Board shall be authorized  
629 to ~~utilize an abbreviated procedure for the~~  
630 ~~issuance of issue~~ a caterers' endorsement to  
631 holders of a Class B, Class B-F, Class B-R, ~~or~~  
632 Class F, ~~or Class F-A~~ license who ~~are in good~~  
633 ~~standing at the time of the application~~ meet the  
634 requirements for issuance of the caterer's  
635 endorsement and who are otherwise entitled to  
636 renewal of their license. ~~[Amended 11-23-~~  
637 ~~2004 by Bill No. 966]~~

638 (3) Hours. The hours during which the  
639 privileges conferred by a caterers' endorsement  
640 may be exercised shall be the same as the  
641 hours permitted for the class of license.

642 (4) Requirement to provide food. The holder  
643 of a caterers' endorsement shall provide food  
644 as well as alcoholic beverages at catered  
645 events.

646 (5) Location.

647 (a) The holder of a caterers' endorsement  
648 shall not provide alcoholic beverages at the  
649 same location for more than five consecutive  
650 days or more than a total of 15 days in any  
651 calendar year without first obtaining the  
652 written permission of the ~~Talbot County Board~~  
653 ~~of Liquor License Commissioners.~~ Board.

654 (b) The holder of a caterers' endorsement  
655 shall not provide alcoholic beverages at any  
656 location which is owned or leased by the  
657 license holder or in which the license holder  
658 has any financial interest. This subsection shall  
659 not be construed as prohibiting catering  
660 alcoholic beverages at any legitimate club or  
661 fraternal organization to which the license  
662 holder belongs or at the holder's residence.

##### 663 B. Special festival endorsement.

664 (1) Special festival defined. In this section  
665 "special festival" means a special event held  
666 on an irregularly scheduled basis for the  
667 purpose of promoting wines or beers produced  
668 by one or more wineries, vintners or  
669 microbreweries.

670 (2) General provisions. A special festival  
671 endorsement shall be issued only to holders of  
672 Class A, B, E, or F licenses. The endorsement

673 shall authorize the holder thereof to sell or  
674 serve beer or wine by the glass to patrons on  
675 the site of the special festival during the  
676 specified hours of the event and to sell at  
677 retail, in any quantity, to patrons of the event,  
678 wines or beer offered for tasting at the event,  
679 in sealed packages or containers, which  
680 packages or containers shall not be opened nor  
681 the contents thereof consumed on the site of  
682 the festival. Other provisions of this chapter to  
683 the contrary notwithstanding, the holder of a  
684 Class A, B, E or F license shall not be  
685 prohibited from simultaneously holding a  
686 special festival endorsement, if otherwise  
687 approved. The ~~Talbot County Board of Liquor~~  
688 ~~License Commissioners shall~~Board shall be  
689 authorized to utilize an abbreviated procedure  
690 for the issuance of a special festival  
691 endorsement to holders of a Class A, B, E or F  
692 license who are in good standing at the time of  
693 the application.

694 (3) Hours. The hours during which the  
695 privileges conferred by a special festival  
696 endorsement may be exercised shall be the  
697 same as the hours permitted for the class of  
698 license.

699 (4) Limits on number of endorsements. A  
700 special festival endorsement shall not be  
701 issued for more than two consecutive days,  
702 and no more than four endorsements shall be  
703 issued to a license holder in any calendar year.

704 **§ 11-7 Special and temporary licenses.**

705 **A. Special beer and light wine license,**  
706 **Class H (on-sale), seven days.**

707 (1) General provisions. A Class H special  
708 beer and light wine license shall entitle the  
709 holder thereof to keep for sale and sell beer  
710 and light wine, at retail, at the place described  
711 in the license, in conjunction with any bona  
712 fide entertainment conducted by a club,  
713 society, association or church, for  
714 consumption on the premises only, for a period  
715 not exceeding seven consecutive days from the  
716 effective date of the license. The ~~Talbot~~  
717 ~~County Board of Liquor License~~  
718 ~~Commissioners shall~~Board shall be authorized  
719 to utilize an abbreviated procedure for the  
720 issuance of a Class H license.

721 (2) Hours. The hours during which the  
722 privileges conferred by a Class H license may

723 be exercised shall be from 12:00 noon to 12:00  
724 midnight each day; provided, however, that the  
725 sale and consumption of beer and light wine  
726 shall be restricted to a period of time  
727 beginning two hours before the scheduled  
728 entertainment and concluding one hour after  
729 said entertainment.

730 **B. Special beer, wine and liquor license,**  
731 **Class J (on-sale), seven days.**

732 (1) General provisions. A Class J special  
733 beer, wine and liquor license shall entitle the  
734 holder thereof to keep for sale and sell all  
735 alcoholic beverages, at retail, at the place  
736 described in the license, in conjunction with  
737 any bona fide entertainment conducted by a  
738 club, society, association or church, for  
739 consumption on the premises only, for a period  
740 not exceeding seven consecutive days from the  
741 effective date of the license. The ~~Talbot~~  
742 ~~County Board of Liquor License~~  
743 ~~Commissioners shall~~Board shall be authorized  
744 to utilize an abbreviated procedure for the  
745 issuance of a Class J license.

746 (2) Hours. The hours during which the  
747 privileges conferred by a Class J license may  
748 be exercised shall be from 12:00 noon to 12:00  
749 midnight each day; provided, however, that the  
750 sale and consumption of beer, wine and liquor  
751 shall be restricted to a period of time  
752 beginning two hours before the scheduled  
753 entertainment and concluding one hour after  
754 said entertainment.

755 **C. Disposal-of-stock license (10 days).**

756 A disposal-of-stock license of any class shall  
757 entitle the holder thereof to exercise the  
758 privileges of the class of license for a period  
759 not exceeding 10 consecutive days, for the  
760 purpose of disposing of the license holder's  
761 stock of alcoholic beverages, in cases where a  
762 license has been revoked, canceled, suspended  
763 or renewal denied. A disposal-of-stock license  
764 shall authorize the sale of the license holder's  
765 stock at retail or to one or more holders of  
766 wholesale licenses, and such holders of  
767 wholesale licenses are hereby authorized to  
768 purchase such stock. The holder of a disposal-  
769 of-stock license is not authorized to purchase  
770 alcoholic beverages for the purpose of resale  
771 under this license.

772 **D. Temporary removal license.**

A temporary removal license of any class shall entitle the holder thereof to temporarily move the licensed premises from one location to another, when the relocation is necessitated by fire or other catastrophe. The privileges of a temporary removal license may be exercised while the originally licensed premises are being restored, for a period to be established by the ~~Talbot County Board of Liquor License Commissioners, Board,~~ but not to exceed six months. No fee shall be charged for a temporary removal license, provided that any renewal fees which are due during the continuance of the license are paid on time. The Board ~~of Liquor License Commissioners~~ shall be required to approve, as in the case of the original application, the new location to which the license holder temporarily relocates.

**§ 11-8 General provisions on issue of licenses.**

**A. License requirements for corporation, limited liability company, partnership, club or association.**

(1) A license application made for a corporation, limited liability company, partnership, club or other association (whether incorporated or unincorporated) shall also be applied for by and shall be issued to two or more individuals who are authorized to act for the entity and who are officers, directors, stockholders or employees of the corporation; members or employees of the limited liability company; partners of the partnership; or officers, directors or members of the club or association. If an entity has a sole owner, only that individual shall be required to apply for and be issued a license. The individual license holders shall be residents of Talbot County or a contiguous County. The application shall also set forth the names and addresses of all of the directors and officers of a corporation, club or association, all of the members of a limited liability company, or all of the partners of a partnership and shall be signed by the appropriate officers of the entity, as well as by the two or more individuals to whom the license shall be issued for the use of the entity. Every application for a license shall disclose the name, all trade names and all addresses of the corporation, limited liability company, partnership, club or association, as well as the name and business and home address of the individual applicants.

(2) The individual license holders and the corporation, limited liability company, partnership, club or association shall assume all responsibilities, individually, jointly and severally, and shall be subject to all of the penalties, conditions and restrictions imposed upon license holders under the provisions of this chapter.

**B. No more than two licenses for same person.**

(1) No more than two licenses provided by this chapter, except by way of renewal, shall be issued to any individual or to any person for the use of any corporation, limited liability company, partnership, club or association.

~~(2) A Class A, beer and light wine license (off sale), may be issued to those business establishments known as chain stores or supermarkets. A "chain store" shall be defined as any one of two or more retail stores under the same general management or ownership, and a "supermarket" shall be defined as a retail grocery or food store which contains a floor area of not less than 20,000 gross square feet. This subsection does not apply to or affect any business establishment already holding such a license as of January 1, 1994, or the possibility of such a license holder having the license transferred to a similar type of business establishment.~~

**C. Zoning restrictions.**

No license provided by this chapter shall be issued or utilized in a manner which will result in a violation of any zoning ordinance or other statutory land use restriction of ~~Talbot~~ the County or the incorporated municipality in which the place of business proposed to be licensed is located. No new license shall be issued for any use not specifically provided in this chapter. To the extent of any inconsistency between the definitions of use in this chapter and any land-use ordinance, the definitions that are more restrictive or stringent shall prevail.

~~D. Restrictions as to number of licenses in a neighborhood.~~

~~The Talbot County Board of Liquor License Commissioners shall have the authority to limit and restrict the number of licenses which they shall consider sufficient for any neighborhood. The Board may deny an application for a new~~

874 ~~license when it concludes that the neighborhood~~  
875 ~~in which the license is to be located is already~~  
876 ~~served by a sufficient number of licenses.~~

877 **D. Restriction upon off-sale licenses, market-**  
878 **test, grandfathering.**

879 (1) New off-sale licenses shall be issued  
880 only to alcohol dispensaries, supermarkets,  
881 ~~chain stores,~~ restaurants, cafes, hotels, and  
882 convenience stores. Notwithstanding this  
883 limitation on issuance of new off-sale licenses,  
884 any holder of an off-sale license, except for  
885 any pharmacy, that was lawfully issued and  
886 validly existing on the effective date of this  
887 ordinance shall be entitled to renew the same  
888 at the existing location provided that all such  
889 applications for renewal otherwise comply  
890 with all then-existing ordinances, laws, and  
891 regulations, as amended from time to time.  
892 Pharmacies shall be governed by the pro-  
893 visions in § 11-5 A. (4) and (5).

894 (2) Except for Class A licenses for  
895 supermarkets, off-sale licenses are subject to  
896 the following requirements. The Board shall  
897 limit and restrict the number of new off-sale  
898 licenses as set forth in this section.

899 (1) The Board may issue a new off-sale  
900 license if the total population within the  
901 service area equals or exceeds 750  
902 persons for all existing off-sale licenses  
903 and the newly proposed license.

904 (2) The service area shall be determined as  
905 follows:

906 i. For a proposed urban location, the  
907 service area shall include all census  
908 blocks within a radius of two (2)  
909 miles from the site of the proposed  
910 new license;

911 ii. For a proposed rural location, the  
912 service area shall include all census  
913 blocks within a radius of five (5)  
914 miles from the site of the proposed  
915 new license.

916 (3) All census blocks in Talbot County from  
917 the most recent decennial census within,  
918 intersected by, or touching the service  
919 area shall be used to determine the total  
920 population within the service area.

921 (4) For purposes of this section, an urban  
922 location is a proposed site within a  
923 municipality and a rural location is a  
924 proposed site outside a municipality.

925 (5) The formula for determining whether a  
926 new off sale license may be issued is:

927  $R = P - (750 \times N)$  where:

928 R -- Remainder (must be equal to or  
929 greater than 750 for new off-sale  
930 license).

931 P -- Total population within service area.

932 N -- Total number of existing off-sale  
933 licenses, (Class A, B-R, D, E, , and  
934 F) within the service area,  
935 excluding the proposed new off-  
936 sale license and excluding existing  
937 Class A licenses for supermarkets.

939 (6) New off-sale licenses shall be at least  
940 500 feet from public or private schools,  
941 public parks, and correctional facilities.  
942 Licensees holding off-sale licenses lawfully  
943 issued and validly existing on the effective  
944 date of this ordinance shall be permitted to  
945 renew and maintain such licenses at existing  
946 locations provided that all such applications  
947 for renewal otherwise comply with all then-  
948 existing ordinances, laws, and regulations, as  
949 amended from time to time..

951 (7) Cashiers for off-sales of alcoholic  
952 beverages shall be at least twenty-one (21)  
953 years of age.

954 (8) In addition to the requirements of this  
955 section, an applicant for a new off-sale  
956 license must meet all other applicable criteria.  
957

958

959 **§ 11-9 License application filing requirements.**

960 Every application for a new license shall be  
961 made to the ~~Talbot County Board of Liquor~~  
962 ~~License Commissioners Board~~ and shall be  
963 accompanied by the specified application and  
964 license fees. The application shall contain the  
965 following:

966 A. The class of license desired.

967 B. The name and residence of each  
968 individual applicant and how long each has  
969 resided at the stated address and the name and



970	address of any entity on behalf of which the	1018	K. A statement identifying any other
971	individual applicants seek a license.	1019	premises or entity holding a liquor license in
		1020	which any of the individual applicants or the
972	C. A statement that each individual	1021	entity they represent have an interest and
973	applicant is a resident of Talbot County or a	1022	identifying any other license issued pursuant to
974	contiguous County.	1023	this chapter from which any of the individual
		1024	applicants or the entity receives any revenue
975	D. A statement that each individual	1025	directly or indirectly.
976	applicant is a citizen of the United States,		
977	including the place of birth of each applicant	1026	L. A statement as to whether any of the
978	and, if a naturalized citizen, when and where	1027	individual applicants or the entity have ever
979	naturalized.	1028	had a license for the sale of alcoholic
		1029	beverages and, if so, in what state and at what
980	E. A statement that each individual	1030	location.
981	applicant is not less than 21 years of age.		
		1031	M. A statement that no manufacturer,
982	F. The particular place for which the license	1032	brewer, distiller or wholesaler of alcoholic
983	is desired, designating the street name and	1033	beverages has any financial interest, directly or
984	number, and also a description of the portion	1034	indirectly, in the premises or business of the
985	of the building in which the business will be	1035	applicant and that the applicant will not
986	conducted.	1036	thereafter convey or grant to any such
		1037	manufacturer, brewer, distiller or wholesaler
987	G. The name of the owner of the premises	1038	any such interest, except as otherwise
988	upon which the business sought to be licensed	1039	permitted in this chapter, and that the
989	is to be carried on.	1040	applicant, at the time of making the
		1041	application, has no indebtedness or other
990	H. A statement that none of the individual	1042	financial obligations and will not thereafter
991	applicants have ever been convicted of a	1043	incur any such indebtedness or other financial
992	felony or of a misdemeanor involving moral	1044	obligations, directly or indirectly, to any
993	turpitude and a further statement as to whether	1045	manufacturer, brewer, distiller or wholesaler
994	any of them have ever been adjudged guilty of	1046	of alcoholic beverages other than for the
995	violating the laws governing the sale of	1047	purchase of alcoholic beverages.
996	alcoholic beverages, controlled dangerous		
997	substances, or gambling in the State of	1048	N. A statement, duly executed and
998	Maryland, any other state, or of the United	1049	acknowledged by the owner of the premises
999	States or any foreign country. The <del>Talbot</del>	1050	upon which the business is to be conducted,
1000	<del>County Board of Liquor License</del>	1051	assenting to the granting of the license applied
1001	<del>Commissioners Board</del> shall have the authority	1052	for and authorizing the Comptroller of the
1002	to obtain criminal records on any applicant for	1053	State of Maryland, his duly authorized
1003	an alcoholic beverage license prior to the	1054	deputies, inspectors and clerks, the Talbot
1004	issuance of the license and the applicant, as	1055	County Board of Liquor License
1005	part of the application, shall provide whatever	1056	Commissioners, its duly authorized agents and
1006	consents, authorizations, or releases of	1057	employees, any peace officer of Talbot County
1007	information are necessary for this purpose.	1058	and any peace officer of any incorporated
		1059	municipality in which the business is to be
1008	I. A statement that each individual	1060	conducted to inspect and search, without
1009	applicant has a pecuniary interest in,	1061	warrant, the premises upon which the business
1010	employment relationship with, or is authorized	1062	is to be conducted, and any and all parts of the
1011	to act on behalf of the entity seeking the	1063	building in which the business is to be
1012	license, including the nature of each	1064	conducted, at any and all hours.
1013	applicant's relationship to any entity having an		
1014	interest in the business.	1065	O. A certificate signed by at least 10
		1066	citizens, who shall be owners of real estate and
1015	J. A statement that none of the individual	1067	registered voters of the precinct in which the
1016	applicants have had a license for the sale of	1068	business is to be conducted, setting forth the
1017	alcoholic beverages revoked.	1069	length of time each has been acquainted with



1070 the applicant or, in the case of a corporation,  
1071 with the individuals making the application.  
1072 The certificate must state that the signers  
1073 thereof have examined the application and  
1074 have good reason to believe that all the  
1075 statements contained in the application are  
1076 true, that they are of the opinion that the  
1077 applicant is a suitable person to obtain the  
1078 license, and that they are familiar with the  
1079 premises upon which the proposed business is  
1080 to be conducted and believe the premises are  
1081 suitable for the conduct of the business of a  
1082 retail dealer in alcoholic beverages. The  
1083 requirements of this section do not apply to  
1084 applications for special or temporary (Class H  
1085 and Class J) licenses.

1086 P. Proof of a valid food service facility  
1087 permit from the Talbot County Health  
1088 Department must be shown for those classes of  
1089 licenses (Class F and Class F-A) which require  
1090 the serving of food as a condition of the  
1091 license or where the applicant is engaged in a  
1092 business which requires such a permit.

1093 Q. Proof of compliance with the current  
1094 provisions of the State Fire Prevention Code  
1095 from the Office of the State Fire Marshal.

1096 **§ 11-10 Procedure for issuance of licenses.**

1097 **A. General provisions.**

1098 (1) Published notice. Before the ~~Talbot~~  
1099 ~~County Board of Liquor License~~  
1100 ~~Commissioners Board~~ shall approve any new  
1101 license, the Board shall cause a notice of such  
1102 application to be published once a week for  
1103 two successive weeks in a newspaper of  
1104 general circulation in Talbot County. The  
1105 notice shall specify the names of the individual  
1106 applicants and any entity they represent, the  
1107 type of license applied for and the location of  
1108 the place of business proposed to be licensed  
1109 as well as the date, time and location fixed by  
1110 the Board for a hearing upon the application.  
1111 The hearing shall be not less than seven days  
1112 nor more than 30 days after the last  
1113 publication.

1114 (2) Posting of property.

1115 (a) Whenever a hearing upon a license  
1116 application is scheduled, the place of business  
1117 proposed to be licensed shall be posted at least  
1118 15 days prior to the hearing date by the

1119 erection of a sign to be furnished by the ~~Talbot~~  
1120 ~~County Board of Liquor License~~  
1121 ~~Commissioners Board~~. Such sign shall be  
1122 erected by the person(s) making application,  
1123 within ten feet of whatever boundary line of  
1124 the property abuts the most traveled public  
1125 road and, if no public road abuts thereon, then  
1126 facing in such a manner as most readily may  
1127 be seen by the public, as designated by the  
1128 Board. The bottom of the sign shall not be less  
1129 than three feet from the ground. The sign  
1130 furnished by the Board shall not be less than  
1131 two feet high and two feet wide, and shall bear  
1132 the words: NOTICE - APPLICATION HAS  
1133 BEEN MADE FOR A LIQUOR LICENSE  
1134 AT THIS LOCATION. Talbot County Board  
1135 of Liquor License Commissioners (410) 770-  
1136 8019.

1137 (b) At the hearing, it shall be the duty of the  
1138 applicant to prove by affidavit that he has fully  
1139 complied with this provision and has  
1140 continuously maintained the sign in  
1141 compliance with this provision up to the time  
1142 of the hearing. Any sign required to be posted  
1143 by this provision shall be maintained in a  
1144 visible location and free from obstruction until  
1145 after the public hearing is held, and such sign  
1146 shall be removed within five days after the  
1147 public hearing.

1148 (3) Notice to local jurisdiction and adjacent  
1149 property owners. Whenever a hearing upon a  
1150 license application is scheduled, the ~~Talbot~~  
1151 ~~County Board of Liquor License~~  
1152 ~~Commissioners Board~~ shall give at least 15  
1153 days' notice of the time and place of such  
1154 hearing to be mailed by regular United States  
1155 mail, first class postage prepaid, to the  
1156 applicant, to the governing body of the local  
1157 jurisdiction in which the place of business  
1158 proposed to be licensed is located, and to the  
1159 owners of all property contiguous to the place  
1160 of business proposed to be licensed and of all  
1161 properties opposite said property measured at  
1162 right angles to any intervening road or street. It  
1163 shall be the responsibility of the applicant to  
1164 furnish the Board with a complete, accurate  
1165 and up-to-date list of all such property owners.  
1166 The notice shall be directed to the address to  
1167 which the real estate tax bill on the property is  
1168 sent. The notice shall contain the same  
1169 information as the published notice required in  
1170 Subsection A(1) hereof. For purposes of this  
1171 section the term "contiguous property owner"  
1172 is to include owners of property within 1,000

1173	feet of the subject property, whose line of sight	1225	determinations, its decision concerning the
1174	to the subject property is entirely over water.	1226	license in question, and the basis for its
1175	Failure of a person to receive the notice	1227	decision.
1176	prescribed in this section shall not impair the		
1177	validity of the hearing.	1228	(c) Any person aggrieved by the decision of
		1229	the Board who appeared at the hearing before
1178	(4) Hearing. At the time fixed by the notice	1230	the Board shall have 30 days after the issuance
1179	for a hearing upon an application or upon the	1231	of the Board's decision to appeal the decision
1180	continuance of any such hearing, the	1232	to the Circuit Court for Talbot County.
1181	individual applicants and representatives of the		
1182	entity seeking a license shall have the first	1233	<b>B. License and application fees.</b>
1183	opportunity to be heard by the Board and to		
1184	present evidence to the Board; provided,	1234	The license and application fees applicable to
1185	however, that the Board may stipulate that	1235	each class of license shall be established by the
1186	after the expiration of a reasonable	1236	County Council of Talbot County in the
1187	predetermined amount of time the applicant's	1237	Annual Budget and Appropriation Ordinance.
1188	presentation may be interrupted to permit	1238	All fees collected under this chapter shall be
1189	opponents an opportunity to be heard.	1239	remitted to the Talbot County Finance Office.
1190	Thereafter, any interested person in attendance	1240	The salaries of the Board <del>of Liquor License</del>
1191	shall be heard by the Board on either side of	1241	<del>Commissioners</del> , together with the necessary
1192	the question. The applicant shall have the final	1242	office, clerical and investigational expenses of
1193	opportunity to address the Board at the	1243	the Board, shall be paid by the County Council
1194	conclusion of all testimony or evidence. The	1244	<del>of Talbot County</del> , as approved in the Annual
1195	Board shall make an adequate record of its	1245	Budget and Appropriation Ordinance adopted
1196	proceedings so as to permit judicial review.	1246	by the County Council. The balance of all fee
1197	The costs of reproduction of the record shall	1247	revenue collected under this chapter, which is
1198	be borne by the person seeking the copy.	1248	not expended on the approved salaries and
		1249	expenses of the Board, shall be devoted to the
1199	(5) Findings.	1250	general purposes of the County as approved by
		1251	the County Council <del>of Talbot County</del> .
1200	(a) If the Board determines that the granting		
1201	of the license is not necessary for the	1252	<b>C. Refund of license fees.</b>
1202	accommodation of the public, or that the		
1203	applicants are not fit persons to receive the	1253	No holder of any class of license shall be
1204	license applied for, or have made a material	1254	entitled to a refund of the unused portion of
1205	false statement in the application, or have	1255	the fee paid for a license upon surrender
1206	practiced fraud in connection with said	1256	thereof, except:
1207	application, or that the operation of the		
1208	business, if the license is granted, will unduly	1257	(1) In the event of receivership or
1209	disturb the peace of the residents of the	1258	bankruptcy of the business if a transfer is not
1210	neighborhood in which the place of business is	1259	requested, and in such case the refund shall be
1211	to be located, <u>or the applicant for an off-sale</u>	1260	made for the benefit of the creditors of the
1212	<u>license does not satisfy the requirements of §</u>	1261	license holder;
1213	<u>11-8 D.</u> or that there are other substantial		
1214	reasons in the discretion of the Board why the	1262	(2) In the event of the death of the license
1215	license should not be issued, then the	1263	holder, and in such case the refund shall be
1216	application shall be disapproved and the	1264	made for the benefit of the estate of the
1217	license applied for shall be refused. If no such	1265	deceased license holder;
1218	findings are made by the Board, then the		
1219	Board shall approve the application and issue	1266	(3) In the event that the license holder has
1220	the license upon the applicant's payment of the	1267	volunteered for or been called into the Armed
1221	required fee.	1268	Forces of the United States;
1222	(b) Within 30 days of the conclusion of the	1269	(4) In the event that a license holder of one
1223	hearing, the Board shall issue a written	1270	class surrenders the license and obtains a
1224	decision setting forth its factual		

1271 license of another class carrying a higher fee,  
1272 in which case, the refund shall be deducted  
1273 from the amount of the fee to be paid for the  
1274 newly obtained license; or  
1275

1276 (5) In the event that the licensed premises  
1277 are taken by the federal government, the state  
1278 or any city or municipality for public use.

1279 **D. License forms; date of issue and**  
1280 **expiration.**

1281 Only licenses authorized under the provisions  
1282 of this chapter may be issued by the ~~Talbot~~  
1283 ~~County Board of Liquor License~~  
1284 ~~Commissioners Board~~. Every license issued  
1285 shall be upon forms prescribed by the Board.  
1286 Each license shall be dated as of the date of  
1287 issue and shall expire on the April 30 next  
1288 after its issuance, except temporary licenses  
1289 and special licenses, which shall expire as  
1290 otherwise provided.

1291 **E. Pro rata license fees.**

1292 The fee for every license issued for a period of  
1293 less than one year (except temporary or special  
1294 licenses) shall be subject to the annual fee if  
1295 issued during the first three months of the license  
1296 year; 3/4 of the annual fee if issued during the  
1297 second quarter of the license year; 1/2 of the  
1298 annual fee if issued during the third quarter of the  
1299 license year; and 1/4 of the annual license fee if  
1300 issued during the fourth quarter of the license  
1301 year.

1302 **F. Successive applications.**

1303 If a license is refused, no application for the same  
1304 license shall be considered from the same  
1305 applicant for the same premises for a period of  
1306 one year.

1307 **§ 11-11 General procedures for renewal of**  
1308 **licenses.**

1309 **A. Application for renewal.**

1310 The holder or holders of any expiring license  
1311 other than special licenses issued under the  
1312 provisions of this chapter shall, not less than  
1313 30 nor more than 90 days before the first day  
1314 of May of each year, file a written application,  
1315 duly verified by oath, for the renewal of the

1316 license with the ~~Talbot County Board of~~  
1317 ~~Liquor License Commissioners Board~~. The  
1318 renewal application shall state either that the  
1319 facts in the original application are unchanged  
1320 or shall clearly and completely identify all  
1321 such changes, based on which the Board may,  
1322 in its discretion, treat the renewal application  
1323 as a new application. The renewal application  
1324 shall be accompanied by a statement, signed  
1325 by the owner of the premises, consenting to  
1326 the renewal of the license and to search and  
1327 seizure as in the case of the original  
1328 application, ~~e. except that a A~~ statement of  
1329 consent ~~by the owner of the premises~~ shall not  
1330 be required if the owner has previously signed  
1331 such a statement in connection with an original  
1332 application or previous renewal application  
1333 giving consent for the term of the owner's  
1334 lease with the applicant. Upon the filing of the  
1335 renewal application and the payment of the  
1336 prescribed annual fee, the holder or holders of  
1337 an expiring license shall be entitled to a new  
1338 license for another year without the filing of  
1339 further statements or the furnishing of any  
1340 further information, unless such information is  
1341 specifically requested by the ~~Talbot County~~  
1342 ~~Board of Liquor License Commissioners~~.  
1343 Board. Renewal licenses shall be  
1344 administratively approved without a hearing  
1345 before the Board, unless a protest signed by  
1346 not less than 10 residents or property owners  
1347 in the ~~voting County election~~ district in which  
1348 the licensed place of business is located has  
1349 been filed against the granting of a renewal  
1350 license at least 30 days before the expiration of  
1351 the license for which renewal is sought. The  
1352 Board may, upon its own initiative, after  
1353 notice to the applicant, treat a renewal  
1354 application as an original application. In the  
1355 event of a protest or in the event that the Board  
1356 determines, in the exercise of its discretion, to  
1357 treat a renewal application as an original  
1358 application, then the application shall be heard  
1359 and determined as in the case of an original  
1360 application. In such cases, the Board may  
1361 consider evidence concerning the impact of the  
1362 licensed establishment upon the peace and  
1363 repose of the community. A factual finding,  
1364 based upon clear and convincing evidence that  
1365 the licensed establishment has significantly  
1366 and regularly intruded upon the peace and  
1367 repose of the neighboring property owners so  
1368 as to have a deleterious impact upon the public  
1369 health, safety and welfare, shall be a sufficient  
1370 basis for denial of the renewal application or  
1371 the limitation of the hours of operation of the

1372 license holder by the ~~Talbot County Board of~~  
1373 ~~Liquor License Commissioners.~~Board.

1374 B. At the time of renewal of either a Class C  
1375 or a Class G license, the individuals listed as  
1376 holding the license on behalf of a club may, at  
1377 the discretion of the Board, be deleted, or the  
1378 names of additional individuals may be added  
1379 to or substituted for any or all of the original  
1380 license holders without the necessity of filing a  
1381 formal application for transfer; provided,  
1382 however, that the proposed license holders are  
1383 otherwise qualified, and further provided that  
1384 the President or Chief Executive Officer of the  
1385 club shall certify that the individuals are  
1386 authorized to act on behalf of the club. When a  
1387 renewal application contains a request to add,  
1388 delete or substitute individual license holders,  
1389 the Board may approve the application, or  
1390 require the filing of an application for transfer  
1391 as provided in § 11-12C hereof.

1392 C. The procedural rules for a renewal  
1393 hearing shall follow those set forth in § 11-  
1394 10A hereof. Any person aggrieved by the  
1395 decision of the ~~Talbot County Board of Liquor~~  
1396 ~~License Commissioners.~~Board who appeared  
1397 at the renewal hearing before the Board shall  
1398 have 30 days after the issuance of the Board's  
1399 decision to appeal the decision to the Circuit  
1400 Court for Talbot County.

1401 **§ 11-12 Rights and duties of license holders.**

1402 **A. License not property.**

1403 Licenses issued under the provisions of this  
1404 chapter shall not be regarded as property or as  
1405 conferring any property rights. All such  
1406 licenses shall be subject to suspension,  
1407 restriction or revocation and to all rules and  
1408 regulations that may be adopted as herein  
1409 provided.

1410 **B. Duplicates for lost licenses.**

1411 Whenever a license issued under the  
1412 provisions of this chapter has been lost or  
1413 destroyed, the official issuing such licenses  
1414 shall have the power, upon application under  
1415 oath and upon payment of a fee of \$10, to  
1416 issue another license, upon which shall be  
1417 endorsed the word "duplicate" in addition to  
1418 all of the information which appeared upon the  
1419 original license.

1420 **C. Transfer of licenses.**

1421 (1) General procedure.

1422 Any holder of a license under the provisions of  
1423 this chapter, including a receiver or trustee for  
1424 the benefit of creditors, may, in the discretion  
1425 of the ~~Talbot County Board of Liquor License~~  
1426 ~~Commissioners,~~ be permitted to transfer his  
1427 place of business to some other location and/or  
1428 transfer his stock-in-trade to another person,  
1429 provided that an application for such transfer  
1430 and/or sale shall be made and approved by the  
1431 Board, and that a bulk transfer permit is  
1432 obtained where the stock of alcoholic  
1433 beverages is to be transferred, whether by sale,  
1434 gift, inheritance, assignment or otherwise and  
1435 irrespective of whether or not consideration is  
1436 paid. Except as provided in Subsection C(2)  
1437 hereof or in § 11-11, the new location and/or  
1438 assignee shall be approved as in the case of an  
1439 original application for a license. Such transfer  
1440 and/or assignment, when made, shall be  
1441 reflected in the issuance of a new license or  
1442 endorsed upon the original license by the  
1443 official issuing the same upon payment of a  
1444 fee of \$10, in addition to the application fee,  
1445 which shall be paid at the time of the filing of  
1446 the application for transfer and/or sale. This  
1447 section shall permit the transfer of class of  
1448 license, location and the assignment of license  
1449 in the same application.

1450 (2) Addition, deletion or substitution of  
1451 license holders.

1452 When the entity which owns the business and  
1453 the location of the business for which a license  
1454 has been issued are to remain the same, no  
1455 more than two, but less than all, of the persons  
1456 listed on the license may be deleted and other  
1457 persons may be substituted therefor by the  
1458 submission of an application for review by the  
1459 ~~Talbot County Board of Liquor License~~  
1460 ~~Commissioners.~~Board. The Board may  
1461 provide a special application form for this  
1462 purpose, which shall solicit all of the  
1463 information relating to the new applicant  
1464 which would be required of an original  
1465 applicant, require the approval of the owners  
1466 of the premises, require the certificate  
1467 provided in § 11-8A, and require the consent  
1468 of all license holders and of the persons whose  
1469 names are to be added to the license.  
1470 Additional persons may be added to those  
1471 persons already listed on the license, and



1472 persons listed on the license may be deleted  
1473 therefrom, in the manner provided herein,  
1474 provided that the minimum number of persons  
1475 required for said license shall be maintained.  
1476 The Board may, in its discretion, either  
1477 administratively approve said application, or  
1478 cause notice of the application to be published  
1479 and a hearing to be conducted as in the case of  
1480 an original application.

1481 **D. License holder vacating premises.**

1482 On the 10th day after the holder of any license  
1483 issued under the provisions of this chapter  
1484 shall have vacated or been evicted from the  
1485 premises for which said license was issued,  
1486 said license shall expire unless an application  
1487 for a transfer thereof to another location or  
1488 assignment to another person has been  
1489 approved or is then pending; provided,  
1490 however, that the official authorized to issue  
1491 licenses may, in his discretion, postpone such  
1492 expiration for an additional period, not  
1493 exceeding 20 days in any case, to avoid any  
1494 undue hardship.

1495 **E. Display of licenses.**

1496 Every person receiving a license under the  
1497 provisions of this chapter shall frame the  
1498 license under glass and place the framed  
1499 license so that it shall at all times be  
1500 conspicuous and easily read in the place of  
1501 business.

1502 **F. Availability of ordinance.**

1503 Every license holder shall keep a copy of this  
1504 chapter in an area in the licensed premises  
1505 where it is easily accessible for reference when  
1506 necessary. It is the responsibility of the license  
1507 holder to ensure that all employees or agents  
1508 of the license holder are advised of the  
1509 provisions of this chapter. The ~~Talbot County~~  
1510 ~~Board of Liquor License Commissioners~~  
1511 ~~shall~~ Board shall provide to each license holder  
1512 on an annual basis either a complete copy of  
1513 the current version of this chapter, or at their  
1514 election, a copy of only those sections that  
1515 have been amended during the previous year.  
1516 [Amended 4-13-1999 by Bill No. 704]

1517 **G. Death of license holder.**

1518 (1) Upon the death of an individual license  
1519 holder, the license shall expire upon the close

1520 of the 90th day following the date of death  
1521 except as herein otherwise provided. In cases  
1522 where the deceased is the proprietor of the  
1523 licensed premises, upon application to the  
1524 ~~Talbot County Board of Liquor License~~  
1525 ~~Commissioners Board~~ and upon the payment  
1526 of a fee of \$10 made by the personal  
1527 representatives of the deceased license holder,  
1528 a certificate of permission may be granted for  
1529 the continuation of the business in the name of  
1530 the personal representatives for the benefit of  
1531 the estate of the deceased for a period not  
1532 exceeding the balance of the current license  
1533 year, or the closing of the estate, whichever  
1534 occurs first. In the event the estate has not  
1535 been closed upon the expiration of the license  
1536 year, the personal representatives may apply  
1537 for renewal of the license, and upon payment  
1538 of the required annual license fee, a renewal  
1539 license may be granted; provided, however,  
1540 that no application for a renewal license  
1541 hereunder may be made more than 18 months  
1542 after the death of the license holder. Such  
1543 certificates of permission and renewal licenses  
1544 will be subject to the right of protest,  
1545 revocation, suspension, and restriction as in  
1546 other cases, and during the continuation  
1547 period, the license holder and the personal  
1548 representative of the deceased shall be subject  
1549 to all of the provisions of this chapter. The  
1550 personal representatives to which a certificate  
1551 has been granted may assign or transfer the  
1552 license for the benefit of the estate, and upon  
1553 the approval of the application for the transfer  
1554 or assignment, the license shall be considered  
1555 reinstated upon the payment of the balance of  
1556 the license fee which is due until the expiration  
1557 of the license year.

1558 (2) If the licensed premises are operated for  
1559 the benefit of a corporation, limited liability  
1560 company or partnership, another individual  
1561 license holder may be substituted for the  
1562 deceased upon the filing of an application as  
1563 provided for herein, and the premises may  
1564 continue to sell alcoholic beverages pending  
1565 approval of the new license holder.

1566 (3) An application for substitution of another  
1567 license holder for the deceased license holder  
1568 shall be made within 90 days of the date of  
1569 death. Upon the filing of such an application,  
1570 and until a decision is made and issued as  
1571 provided herein, the license shall continue in  
1572 full force and effect, subject to all other  
1573 provisions of this chapter.



1574 **H. Hours of operation.**

1575 The hours during which the privileges conferred  
1576 by a license may be exercised shall be defined as  
1577 either Eastern standard or daylight saving time,  
1578 whichever is in effect on the date in question.

1579 **§ 11-13 Restrictions upon license holders.**

1580 **A. General provisions.**

1581 License holders are required to comply with  
1582 all applicable provisions of this chapter and  
1583 with all provisions of state law applicable to  
1584 Talbot County by virtue of § 11-20 of this  
1585 chapter, Article 2B, § 18-101, Annotated Code  
1586 of Maryland, or Article 25, § 3(ee), Annotated  
1587 Code of Maryland. Violation of any such  
1588 provision is a misdemeanor, and in addition to  
1589 any criminal penalty, may result in  
1590 administrative sanctions including revocation  
1591 or suspension of any license issued pursuant to  
1592 this chapter or the imposition of a fine, or any  
1593 combination thereof.

1594 **B. Service by minors restricted.**

1595 (1) No license holder shall allow a person to  
1596 act in the capacity of a bartender who is not at  
1597 least 21 years of age. For the purposes of this  
1598 section, a "bartender" is any person who mixes  
1599 or pours drinks for consumption on the  
1600 licensed premises.

1601 (2) No license holder shall allow a person to  
1602 act in the capacity of waiter or waitress who is  
1603 required to take orders for alcoholic beverages  
1604 ~~unless said waiter or waitress is at least 16~~  
1605 ~~years of age by April 15, 1999, at least 17~~  
1606 ~~years of age by April 15, 2000, and at least 18~~  
1607 ~~years of age by April 15, 2001. After April 15,~~  
1608 ~~2001, no license holder shall allow a person to~~  
1609 ~~act in the capacity of waiter or waitress who is~~  
1610 ~~required to take orders for alcoholic beverages~~  
1611 unless said waiter or waitress is at least 18  
1612 years of age. ~~[Amended 4-13-1999 by Bill No.~~  
1613 ~~703]~~

1614 (3) No license holder of a beer and light  
1615 wine license shall allow a person to act in the  
1616 capacity of a sales clerk authorized to sell or  
1617 offer for sale beer or light wine at retail who is  
1618 not at least ~~18~~ 21 years of age.

1619 (4) No license holder of a beer, wine and  
1620 liquor license shall allow a person to act in the  
1621 capacity of a sales clerk authorized to sell or  
1622 offer for sale beer, wine or liquor at retail who  
1623 is not at least 21 years of age.

1624 **C. Sales to minors and intoxicated persons**  
1625 **prohibited.**

1626 (1) No license holder under the provisions of  
1627 this chapter or any of the license holder's  
1628 employees or agents shall sell or furnish any  
1629 alcoholic beverages at any time to any person  
1630 except in conformance with the age limitations  
1631 as established from time to time by the State of  
1632 Maryland.

1633 (2) No license holder or any of the license  
1634 holder's employees or agents shall sell or  
1635 furnish any alcoholic beverages to any person  
1636 who at the time of such sale or delivery is  
1637 visibly under the influence of any alcoholic  
1638 beverage.

1639 (3) A violation of this section by an  
1640 employee or agent of a license holder shall be  
1641 deemed a violation by the license holder, who  
1642 shall be responsible for all alcoholic beverage  
1643 sales in or upon the licensed premises.

1644 **D. Noise regulations.**

1645 The ~~Talbot County Board of Liquor License~~  
1646 ~~Commissioners Board~~ may regulate the time  
1647 and noise level of the playing of mechanical  
1648 music boxes, live music, and sound-making  
1649 devices that are used on licensed premises  
1650 where the sound disturbs the peace,  
1651 tranquillity, safety, and health of the  
1652 surrounding neighborhood.

1653 **E. Slot machine restriction.**

1654 The ~~Talbot County Board of Liquor License~~  
1655 ~~Commissioners shall~~ Board shall be prohibited  
1656 from issuing a license under the provisions of  
1657 this chapter to any entity at any place at which  
1658 one or more slot machines are located,  
1659 maintained, or operated, unless the entity is a  
1660 fraternal, religious or veterans nonprofit  
1661 organization with a license to operate the slot  
1662 machine(s) issued by the Sheriff of Talbot  
1663 County.

1664 **§ 11-14 Revocation and suspension of licenses.**

1665	<b>A. General provisions.</b>	1713	period designated in § 159-9C(2) following a
1666		1714	determination that the requisite violations have
1667	(1) Any license issued under the provisions	1715	occurred. [Added 2-3-2004 by Bill No. 934]
1668	of this chapter may be revoked or suspended	1716	(2) For purposes of this section a conviction
1669	by the <del>Talbot County Board of Liquor License</del>	1717	is deemed to have occurred whenever a person
1670	<del>Commissioners Board</del> for any cause which in	1718	accused of a crime pleads guilty or nolo
1671	the judgment of the Board is necessary to	1719	contendere or is found guilty of an offense.
1672	promote the peace or safety of the community		
1673	in which the place of business is situated. A	1720	(3) The following shall each be prima facie
1674	license may be revoked or suspended, and/or a	1721	evidence of a violation:
1675	fine imposed by the Board based upon, but not		
	limited to, any of the following findings:	1722	(a) A sale or delivery of an alcoholic
1676		1723	beverage by a license holder before or after the
1677	(a) Conviction of the license holder for	1724	hours during which the privileges conferred by
1678	violation of any of the provisions of this	1725	the applicable license may be exercised.
1679	chapter or of applicable state law regulating		
	the retail sale of alcoholic beverages.	1726	(b) An open container holding more than a
1680		1727	trace of an alcoholic beverage, prior to or more
1681	(b) Any finding of fact in a criminal	1728	than 30 minutes after the hours during which
1682	proceeding that would be sufficient to sustain	1729	the privileges conferred by the applicable
1683	a judgment or verdict of guilt for any violation	1730	license may be exercised.
1684	of this chapter or applicable state law		
1685	regulating the retail sale of alcoholic	1731	(c) Live entertainment or playing of
1686	beverages, regardless of whether that finding	1732	electronic entertainment other than during the
1687	is stricken and probation before judgment is	1733	hours in which the privileges conferred by the
	granted.	1734	applicable license may be exercised.
1688	(c) Failure or refusal of any license holder to		
1689	comply with any provisions of this chapter or	1735	(d) Presence of person(s) on the premises
1690	any applicable state law, or any rule or	1736	prior to or more than 30 minutes after the
1691	regulation that may be adopted pursuant to this	1737	hours during which the privileges conferred by
1692	chapter;	1738	the applicable license may be exercised, other
		1739	than by those listed below:
1693	(d) The making of any material false		
1694	statement in any application for a license; or	1740	[1] The owner, license holder or their agents
		1741	or employees actually engaged in cleaning or
1695	(e) A conviction of one or more of the	1742	preparing for the next day's operation.
1696	clerks, agents, or employees of a license		
1697	holder for the violation of any of the	1743	[2] Entertainers actually engaged in
1698	provisions of this chapter or applicable state	1744	preparing for opening or closing down after a
1699	law on the licensed premises.	1745	performance.
1700	(f) A finding by the <del>Talbot County Board of</del>	1746	[3] Delivery personnel actually making
1701	<del>Liquor License Commissioners Board</del> that one	1747	deliveries.
1702	or more of the clerks, agents, or employees of		
1703	a license holder violated any of the provisions	1748	(e) The sale, delivery or furnishing of an
1704	of this chapter or of applicable state law on the	1749	alcoholic beverage by a license holder, clerk,
1705	licensed premises.	1750	agent or employee of a license holder to a
		1751	minor on the licensed premises.
1706	(g) Three or more violations of any		
1707	provision of Chapter 159, Article I, Talbot	1752	<b>B. Procedure for revocation or</b>
1708	County Code, Smoking. For purposes of this	1753	<b>suspension.</b>
1709	subsection, the <del>Talbot County Board of Liquor</del>		
1710	<del>License Commissioners Board</del> may not	1754	(1) The <del>Talbot County Board of Liquor</del>
1711	amend, modify, or decline to impose the	1755	<del>License Commissioners Board</del> may, on its
1712	requisite suspension upon any licensee for the		

own initiative, or upon complaints by local citizens, or upon a complaint by the State's Attorney, any peace officer, or the County Health Officer, revoke or suspend any license issued under the provisions of this chapter or impose a monetary fine upon any license holder, or both. Such action shall not be taken until the Board has conducted a hearing upon the complaint, notice of which shall be mailed or delivered to the license holder at least 10 days before the hearing. Revocation or suspension hearings shall be conducted pursuant to § 11-10A of this chapter, except that the notification provisions thereof shall not apply. In addition, in a hearing under this section, the person or entity making the complaint to the Board shall be the first to present evidence to the Board; the license holder shall then present its evidence, to be followed by any further evidence to be presented by the complainant. The Board may permanently revoke or suspend a license for any period, or impose a fine, at its discretion, upon a finding that any provision of this chapter or any applicable state law has been violated, or upon a finding based upon clear and convincing evidence that the continued licensing of the premises in question constitutes a danger to the public health, safety, or welfare.

(2) Within 30 days of the hearing, the Board shall issue its decision, setting forth its findings, determination of any violations, and imposition of any penalty, sanction or fine. If no decision is issued by the Board within 30 days of the hearing, a finding of "no violation" shall result.

**§ 11-15 Violations and penalties.**

A. Any person or license holder violating the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 or to imprisonment for not more than six months, or to both such fine and imprisonment; provided, however, that if applicable state law provides a greater penalty, the penalty provided by state law shall prevail.

B. Anyone charged with selling or furnishing alcoholic beverages to a person not of legal age in violation of § 11-13C shall be found not guilty of said violation if such person establishes to the satisfaction of the

jury, or the court sitting as a jury, that he used due caution to establish that such person was of legal age to purchase or be supplied alcoholic beverages. The granting of probation before judgment to a license holder or employee or agent of a license holder for any alleged violation of this chapter or applicable state law does not bar the Board from proceeding against the license holder for the violation.

C. In lieu of suspending or revoking an alcoholic beverages license pursuant to the terms of this chapter, the ~~Talbot County Board of Liquor License Commissioners~~ Board may hold any suspension in abeyance and impose a fine for any violation of this chapter subject to the following conditions:

(1) The Board determines that the public welfare and safety will not be impaired by allowing the license holder to operate during the suspension period and that payment of the fine will achieve the desired disciplinary purposes.

(2) The fine assessed by the Board under this subsection shall not exceed \$1,000 for each violation.

(3) All moneys collected under this subsection shall be deposited into the general funds of Talbot County.

(4) The Board shall have promulgated such rules and regulations as it deems necessary to carry out the purposes of this subsection including any conditions to be imposed on the license holder as a condition of holding any such suspension in abeyance.

**§ 11-16 Bottle club restrictions; drive-through sales.**

A. It shall be unlawful in Talbot County for any bottle club to sell, serve, give, dispense, keep or allow to be consumed on its premises, or on premises under its control or possession, any alcoholic beverages, setups or other component parts of mixed alcoholic drinks. As used in this subsection, the term "bottle club" shall mean any club which serves, sells, gives, or dispenses alcoholic beverages to its members or guests, or which keeps for its members or guests any alcoholic beverages, or which allows to be consumed on its premises

1857 any alcoholic beverages, by its members or  
1858 guests, which beverages have been reserved or  
1859 purchased by the members or guests; or any  
1860 club at which patrons are served, given, or  
1861 allowed to consume alcoholic beverages after  
1862 legal closing hours from any supplies that the  
1863 patrons have previously purchased or reserved;  
1864 or any club that sells, dispenses, serves, keeps,  
1865 or allows to be consumed any setups or other  
1866 component parts of mixed alcoholic drinks to  
1867 its members or guests.

1868 B. Drive-through sales prohibited. A  
1869 licensee shall not sell, offer to sell, or dispense  
1870 alcoholic beverages for off-premises  
1871 consumption through a facility commonly  
1872 known as a "walk-up" or "drive-through"  
1873 window. [Added 4-13-1999 by Bill No. 705]

1874 **§ 11-17 Enforcement.**

1875 **A. Notification requirements.**

1876 To aid in the enforcement of this chapter, it  
1877 shall be the responsibility of all law  
1878 enforcement personnel, including members of  
1879 the Maryland State Police, the Talbot County  
1880 Sheriff's Department, the Talbot County  
1881 State's Attorney's Office, the Natural  
1882 Resources Police, and each of the municipal  
1883 police departments in Talbot County, to notify  
1884 the ~~Talbot County Board of Liquor License~~  
1885 ~~Commissioners—Board~~ of any violation  
1886 citations issued to any license holder under the  
1887 provisions of this chapter, within 48 hours of  
1888 the issuance of the citation. The ~~Talbot County~~  
1889 ~~Board of Liquor License Commissioners~~  
1890 ~~shall~~ Board shall notify law enforcement  
1891 personnel, including members of the Maryland  
1892 State Police, the Talbot County Sheriff's  
1893 Department, the Talbot County State's  
1894 Attorney's Office, the Natural Resources  
1895 Police, and the appropriate municipal police  
1896 department, of any license issued under the  
1897 provisions of this chapter which is revoked or  
1898 suspended, or of any fines which are imposed  
1899 for a violation of this chapter.

1900 **B. Chemical test report.**

1901 For the purpose of establishing that physical  
1902 evidence in a criminal proceeding or  
1903 administrative hearing under the provisions of  
1904 this chapter contains or constitutes alcohol or  
1905 an alcoholic beverage, a report signed by the  
1906 chemist or analyst who performed the test or

1907 tests as to its nature is prima facie evidence  
1908 that the material delivered to him was properly  
1909 tested under procedures approved by the  
1910 Department of Health and Mental Hygiene,  
1911 that those procedures are legally reliable, that  
1912 the material was delivered to him by the  
1913 officer or person stated in the report, and that  
1914 the material was or contained alcohol, without  
1915 the necessity of the chemist or analyst  
1916 personally appearing in court, or at any  
1917 hearing, provided the report identifies the  
1918 chemist or analyst as an individual certified by  
1919 the Department of Health and Mental Hygiene,  
1920 the Maryland State Police Department, the  
1921 Baltimore City Police Department, or any  
1922 County police department employing analysts  
1923 of controlled dangerous substances or alcohol,  
1924 as qualified under standards approved by the  
1925 Department of Health and Mental Hygiene to  
1926 analyze those substances, states that he made  
1927 an analysis of the substance under approved  
1928 procedures and also states that the substance,  
1929 in his opinion, is or contains alcohol. Nothing  
1930 in this section precludes the right of any party  
1931 to introduce any evidence supporting or  
1932 contradicting the evidence contained in or the  
1933 presumptions raised by the report.

1934 **C. Chain of custody.**

1935 (1) In this section, "chain of custody" means  
1936 the seizing officer; the packaging officer, if the  
1937 packaging officer is not also the seizing  
1938 officer; and the chemist or person who actually  
1939 touched the substance and not merely the outer  
1940 sealed package in which the substance was  
1941 placed by the law enforcement agency before  
1942 or during the analysis of the substance.

1943 (2) "Chain of custody" does not include a  
1944 person who handled the substance in any form  
1945 after analysis of the substance.

1946 (3) For the purpose of establishing, in a  
1947 criminal proceeding or an administrative  
1948 hearing under the provisions of this chapter,  
1949 the chain of physical custody or control of  
1950 evidence consisting of or containing a  
1951 substance tested or analyzed to determine  
1952 whether it is or contains alcohol, a statement  
1953 signed by each successive person in the chain  
1954 of custody that the person delivered it to the  
1955 other person indicated on or about the date  
1956 stated is prima facie evidence that the person  
1957 had custody and made the delivery as stated,  
1958 without the necessity of a personal appearance



1959	in court by the person signing the statement.	2008	hearing under the provisions of this chapter
1960	The statement shall contain a sufficient	2009	contains or constitutes alcohol, a sealed
1961	description of the material or its container so	2010	container in its original unopened condition
1962	as to distinguish it as the particular item in	2011	which has a label which states that it contains
1963	question and shall state that the material was	2012	alcohol or is an alcoholic beverage is prima
1964	delivered in essentially the same condition as	2013	facie evidence that the contents of the
1965	received.	2014	container are or include alcohol or an alcoholic
		2015	beverage.
1966	(4) Nothing in this section precludes the	2016	<b>§ 11-18 Appeals.</b>
1967	right of any party to introduce any evidence		
1968	supporting or contradicting the evidence	2017	<b>A. General provisions.</b>
1969	contained in or the presumption raised by the		
1970	statement.		
1971	<b>D. Presence of chemist or analyst at</b>	2018	(1) Appeals from decisions of the <del>Talbot</del>
1972	<b>criminal proceeding.</b>	2019	<del>County Board of Liquor License</del>
		2020	<del>Commissioners shall</del> <u>Board shall</u> be to the
1973	(1) In a criminal proceeding under the	2021	Circuit Court for Talbot County, in accordance
1974	provisions of this chapter, the prosecution	2022	with the Maryland Rules of Procedure
1975	shall, upon written demand of a defendant	2023	applicable to administrative appeals.
1976	filed in the proceedings at least five days prior		
1977	to a trial in the proceeding, require the	2024	(2) The decision approving, suspending,
1978	presence of the chemist, analyst, or any person	2025	revoking, restricting, or refusing to approve,
1979	in the chain of custody as a prosecution	2026	suspend, revoke or restrict any license or
1980	witness.	2027	licensee shall be subject to appeal in the
		2028	manner provided in this section.
1981	(2) The provisions of § 11-17B and C	2029	<b>B. Who may appeal.</b>
1982	concerning prima facie evidence do not apply		
1983	to the testimony of that witness. The	2030	A licensee, a license applicant, or a group of
1984	provisions of §§ 11-17B and C are applicable	2031	not less than 10 persons who reside in Talbot
1985	in a criminal proceeding only when a copy of	2032	County may appeal a final decision of the
1986	the report or statement to be introduced is	2033	Board to the Circuit Court if the licensee,
1987	mailed, delivered, or made available to counsel	2034	license applicant, or the group is aggrieved by
1988	for the defendant or to the defendant	2035	the decision and has appeared at the hearing of
1989	personally when the defendant is not	2036	the <del>Talbot County Board of Liquor License</del>
1990	represented by counsel, at least 10 days prior	2037	<del>Commissioners</del> <u>Board</u> either:
1991	to the introduction of the report or statement at		
1992	trial.	2038	(1) In person or by representative; or
1993	(3) Nothing contained in this section shall	2039	(2) By the submission of a written document
1994	prevent the defendant from summoning a	2040	that was introduced at the hearing.
1995	witness mentioned in this section as a witness		
1996	for the defense.	2041	<b>C. Court costs.</b>
1997	(4) At an administrative proceeding, the	2042	The Clerk of the Circuit Court, before
1998	reports described in Subsections B and C	2043	docketing an appeal, shall first collect, from
1999	above shall be prima facie evidence without	2044	the person or persons so appealing, all court
2000	the presence of the chemist, analyst, or any	2045	costs and a statement from the Board that the
2001	person in the chain of custody. Nothing in this	2046	costs for getting records and transcripts of
2002	section prevents the license holder or any other	2047	proceedings of the hearing before the Board
2003	party from summoning the chemist, analysts or	2048	have been paid. Costs may not be assessed
2004	any other person in the chain of custody.	2049	against the Board.
2005	<b>E. Physical evidence. For the purpose of</b>	2050	<b>D. Scope of appeal.</b>
2006	establishing that physical evidence in a		
2007	criminal proceeding or an administrative		



2051 (1) Upon the hearing of such appeal, the  
2052 action of the Board shall be presumed by the  
2053 court to be proper and to best serve the public  
2054 interest. The burden of proof shall be upon the  
2055 petitioner to show that the decision  
2056 complained of was against the public interest  
2057 and that the Board's discretion in rendering its  
2058 decision was not honestly and fairly exercised,  
2059 or that such decision was arbitrary, or procured  
2060 by fraud, or unsupported by any substantial  
2061 evidence, or was unreasonable, or that such  
2062 decision was beyond the powers of the Board  
2063 and was illegal. The case shall be heard by the  
2064 court without the intervention of a jury. If in  
2065 the opinion of the court it is impracticable to  
2066 determine the question presented to the court,  
2067 in the case on appeal, without the hearing of  
2068 additional evidence, or if in the opinion of the  
2069 court any qualified litigant has been deprived  
2070 of the opportunity to offer evidence, or if the  
2071 interests of justice otherwise require that  
2072 further evidence should be taken, the court  
2073 may hear such additional testimony to such  
2074 extent and in such manner as may be necessary  
2075 or may remand the case to the Board for that  
2076 purpose.

2077 (2) In such actions of appeal the Board may  
2078 be represented by its attorney.

2079 (3) The Board's decision shall be affirmed,  
2080 modified, reversed, or remanded to the Board.  
2081 Costs shall be awarded as in other civil cases.

2082 **E. Further appeals.**

2083 Further appeals shall be governed by the  
2084 provisions of Article 2B, § 16-101, Annotated  
2085 Code of Maryland.

2086 **§ 11-19 Supplemental municipal regulation.**

2087 Municipalities within Talbot County may  
2088 restrict the retail sale of alcoholic beverages  
2089 within their respective jurisdictions through  
2090 adoption of local zoning ordinances.  
2091 Enforcement of any ordinance so enacted shall  
2092 be the responsibility of the municipality.

2093 **§ 11-20 Conflict with other regulations.**

2094 Any law enacted by the Talbot County  
2095 Council pursuant to the grant of express  
2096 powers in Article 25, § 3(ee), or Article 2B,  
2097 § 18-101, Annotated Code of Maryland, shall  
2098 prevail over any provision of the Code of

2099 Public General Laws of Maryland regulating  
2100 the retail sale of alcoholic beverages.  
2101 However, unless and until the Talbot County  
2102 Council enacts a law which is contrary to a  
2103 provision of the Code of Public General Laws  
2104 regulating the retail sale of alcoholic  
2105 beverages, the provisions of the Code of  
2106 Public General Laws shall remain in effect.

2107

2108

2109 **EFFECTIVE DATE:** This bill shall take effect  
2110 for all new licenses and licensees 60 days after  
2111 enactment. For all existing licenses and licen-  
2112 sees, this bill shall become effective only in  
2113 connection with, upon, and following any  
2114 renewal of the existing license(s).